



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,156	04/25/2001	Shunpei Yamazaki	12732-033001	4159

26171 7590 10/07/2002

FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

EXAMINER

KIELIN, ERIK J

ART UNIT	PAPER NUMBER
----------	--------------

2813

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,156

Applicant(s)

YAMAZAKI ET AL.

Examiner

Erik Kielin

Art Unit

2813

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 8, 9, 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the invention of Group II, claims 9-20, in Paper No. 14 is acknowledged.
2. Claims 1-8, 21, and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement filed 31 December 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Applicant has not provided a copy of the reference US Patent Application 09/835,551, the only reference cited in the IDS.

Specification

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

DETAILED ACTION

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,317,431 (**Yoshida et al.**).

Regarding claims, **Yoshida** discloses a method of manufacturing a light-emitting device comprising,

forming a semiconductor element **48** and light emitting element **34** (called, in part, “picture electrodes”) electrically connected to the semiconductor element, both at the front surface of a substrate **62**; and

bonding a color filter **32**, wherein the color filter is a transparent substrate **14** having a colored layer **32R**, **32G**, **32B** (as required in instant claims 11 and 12) at the back surface of the substrate. (See Figs. 13 and 14; col. 10, lines 3-14.)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoshida** in view of US 6,320,204 B1 (**Hirabayashi** et al.).

The prior art of **Yoshida**, as explained above, discloses each of the claimed features except for indicating if “providing” the disclosed anti-reflection film **30**, is performed by “bonding.” (See **Yoshida** col. 4, lines 23-25.)

Hirabayashi teaches that it is conventional in the art of manufacturing light emitting devices that anti-reflection films are bonded to a substrate. (See col. 21, lines 60-63.)

It would have been obvious for one of ordinary skill in the art, at the time of the invention to using bonding as the “providing” in **Yoshida**, because **Hirabayashi** teaches that bonding of anti-reflection films is conventional. Also, **Yoshida** is silent to the method of “providing” such that one of ordinary skill would use conventional methods, such as that taught by **Hirabayashi**.

10. Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoshida** in view of JP 1-99026 A.

The prior art of **Yoshida**, as explained above, discloses each of the claimed features except for indicating that the transparent substrate is polymeric.

JP 1-99026 A teaches the use of plastic substrates to form thin light weight liquid crystal displays.

It would have been obvious for one of ordinary skill in the art, at the time of the invention to use a plastic substrate to form the color filter of **Yoshida** to form a display that is thinner and lighter weight than glass, as taught by **JP 1-99026 A**.

11. Claims 15-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoshida** in view of US 5,276,999 (**Bando**).

The prior art of **Yoshida**, as explained above, discloses each of the claimed features except for indicating if the backside of the substrate is chemically-mechanically polished.

Bando teaches chemical mechanical polishing of glass substrates using, for example ceria (col. 5, lines 25-30), for the high flatness required of displays such as liquid crystal displays. (See col. 1, lines 6-12.)

It would have been obvious for one of ordinary skill in the art, at the time of the invention to polish the glass substrate, both front and back, of **Yoshida** because **Bando** teaches that high flatness is required for liquid crystal displays, such as the LCD in **Yoshida**.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP 6-308310 (**Mori et al.**) and JP 5-93806 (**Arai et al.**) each teach methods of forming color filters for display devices independently of the light-emitting device.

Art Unit: 2813

US 5,757,456 (**Yamazaki** et al.) teaches the bonding of a separately formed color filter to a counter substrate to form a display device. (See col. 9, lines 43-48.)

JP 63-60427 (**Matsumoto** et al.) teaches providing a color filter **41** opposite substrate **21** side on which the light emitting device **23** is formed. (See Fig. 1.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik Kielin whose telephone number is 703-306-5980. The examiner can normally be reached on 9:00 - 19:30 on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached at 703-308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Erik Kielin
October 3, 2002